

**EXHIBIT 23**  
**(Redacted)**  
**(Previously Filed Under Seal as Dkt. 747-9)**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY, and  
ACE AMERICAN INSURANCE COMPANY

Defendants.

Case No. 16-CV-1054(WMW/DTS)

**EXPERT REPORT OF  
NEIL J. ZOLTOWSKI  
WITH RESPECT TO DAMAGES**

Respectfully submitted this 19<sup>th</sup> day of April, 2019



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**CONFIDENTIAL – ATTORNEYS' EYES ONLY**

c) *Broker Site*

97. Broker Site is “a front-end quoting system” integrated with Evolution in Canada.<sup>200</sup> It also allows brokers to access information and documents such as billing and claims information and reference libraries of contract guides, rates and rules, product highlights, training and webcasts.<sup>201</sup> It is used in Defendants’ Personal and Commercial lines to help brokers manage their clients. Broker Site interfaces with and draws information from the Evolution policy administration system.<sup>202</sup>

d) *Adapt*

98. Adapt is the policy administration application used in the United Kingdom, Australia, and other European Countries.<sup>203</sup> It is broker-facing and allows for real-time binding and issuing of policies and is used for, among other things, back-end administration, automation, document generation and electronic filing.<sup>204</sup> Adapt also enables a broker to view and manage his or her own portfolio.<sup>205</sup> Adapt has been used in Australia since 2007 for the A&H business unit and applies business rules in Blaze Advisor for underwriting guidance.<sup>206</sup>

e) *Exari*

99. Exari functions as an additional data collection source following EZER’s initial data collection.<sup>207</sup> This iterative data collection reduces the underwriter’s time and effort.<sup>208</sup> Chubb canceled the Exari project at or around January 27, 2016, the time that ACE Limited acquired Chubb Corp.<sup>209</sup>

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<sup>200</sup> Federal Insurance Company’s Fifth Supplemental Answer to Plaintiff’s Interrogatory No. 19, dated March 2, 2019 at 3.

<sup>201</sup> FED04571 at “Application Summary” worksheet.

<sup>202</sup> Mirolyuz 1/11/19 Deposition at 72-73.

<sup>203</sup> FED014390\_0006 and 010.

<sup>204</sup> FED014390\_0006.

<sup>205</sup> FED014390\_0006.

<sup>206</sup> Mirolyuz 1/11/19 Deposition at 69; Federal Insurance Company’s Fifth Supplemental Answer to Plaintiff’s Interrogatory No. 20, dated March 21, 2019 at 3.

<sup>207</sup> FED008352\_0001.

<sup>208</sup> FED008352\_0001.

<sup>209</sup> FED017913\_0001-002.

*Fair Isaac Corporation v. Federal Insurance Company and ACE American Insurance Company***SCHEDULE 5.0: Summary of Lost Fees for Foreign Applications**

Foreign Application	Region	License, Support, and Maintenance (a)	Damages Period			Total Lost Fees
			Start Date	End Date (b)	Years	
ADAPT	Australia	\$				
ADAPT	U.K.					
Evolution	Australia					
Evolution	Canada					
EZER	U.K. and Europe					
Exari	U.K.					
Broker Site	Canada					
<b>Total</b>		<b>\$</b>				

Note/Source(s):

- (a) See **Schedule 7.0**.
- (b) I understand the trial ready date is December 9, 2019.
- (c) I understand the damages period starts at the latter of the first year of gross written premiums reported per interrogatory responses or 6 years before the filing date of April 21, 2016 (i.e., April 21, 2010). See **Schedule 12.0**.
- (d) I understand FICO asserts that ADAPT (Europe) was used in 2009. (FED014415\_0001-0003.)
- (e) I understand FICO asserts that Evolution (Canada) was used in 2013. Further, I understand the Broker Site application is integrated with the Evolution (Canada) application. (Mirolyuz 1/11/2019 Deposition at Exhibit 186 (FED008481\_0001-FED008482\_0001); Harkin Deposition at 206-209.)
- (f) I understand the development of the Exari application started in 2013 and was abandoned in 2016. (Mirolyuz 1/11/2019 Deposition at Exhibit 187 (FED12301\_0001; FED12303-0001); FED017913\_0001-0002.)

*Fair Isaac Corporation v. Federal Insurance Company and ACE American Insurance Company***SCHEUDLE 9.0: Summary of Defendants' Foreign Gross Written Premiums***April 21, 2013 to March 2019*

Foreign Applications	Region	All Writing Companies (a)	Chubb Corporation and Chubb INA Holdings, Inc. Subsidiaries (b)	Federal, Subsidiaries and Pooling Entities (c)	Non-Subsidiaries and Non-Pooling Entities (d)
ADAPT	Australia	\$ 104,643,020	\$ 104,643,020	\$ 76,090,876	\$ 28,552,143
ADAPT	U.K.	265,034,167	265,034,167	213,529,232	51,504,935
Evolution	Australia	87,984,461	87,984,461	-	87,984,461
Evolution (e)	Canada	1,278,000,000	1,278,000,000	534,000,000	744,000,000
EZER	Europe	786,223,356	786,223,356	672,408,758	113,814,598
EZER	U.K.	15,477	15,477	15,477	-
Broker Site (e)	Canada	n/a	n/a	n/a	n/a
<b>TOTAL</b>		<b>\$ 2,521,900,482</b>	<b>\$ 2,521,900,482</b>	<b>\$ 1,496,044,344</b>	<b>\$ 1,025,856,138</b>

Note/Source(s):

- (a) See Schedule 11.1.
- (b) See Schedule 11.2.
- (c) See Schedule 11.3.
- (d) Calculated as the difference between (b) and (c).
- (e) I understand the Evolution (Canada) and Broker Site (Canada) applications share the same underlying database and therefore report the same gross written premiums. (Harkin Deposition at 206-209.)

*Fair Isaac Corporation v. Federal Insurance Company and ACE American Insurance Company***SCHEDULE 11.1: Summary of Foreign Gross Written Premiums by Application - All Writing Companies (a)**

Application	Region	Apr 21 - Dec 31					Jan - Mar			Total
		2013 (b)	2014	2015	2016	2017	2018	2019 (c)		
ADAPT	Australia	\$ 18,563,675	\$ 26,580,572	\$ 25,345,604	\$ 22,404,103	\$ 7,512,511	\$ 4,049,851	\$ 186,704	\$ 104,643,020	
ADAPT	U.K.	\$ 44,264,795	\$ 60,130,370	\$ 61,438,935	\$ 47,695,132	\$ 40,226,219	\$ 11,278,716	-	\$ 265,034,167	
Evolution	Australia	-	-	-	-	\$ 992,514	\$ 76,787,952	\$ 10,203,995	\$ 87,984,461	
Evolution (d)	Canada	-	-	\$ 303,000,000	\$ 308,000,000	\$ 330,000,000	\$ 337,000,000	-	\$ 1,278,000,000	
EZER	Europe	\$ 140,017,446	\$ 196,353,338	\$ 179,188,308	\$ 156,849,666	\$ 109,376,325	\$ 4,438,273	-	\$ 786,223,356	
EZER	U.K.	-	\$ 7,833	\$ 3,515	\$ 4,130	-	-	-	\$ 15,477	
Broker Site (d)	Canada	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>TOTAL</b>		<b>\$ 202,845,915</b>	<b>\$ 283,072,112</b>	<b>\$ 568,976,362</b>	<b>\$ 534,953,031</b>	<b>\$ 488,107,569</b>	<b>\$ 433,554,792</b>	<b>\$ 10,390,699</b>	<b>\$ 2,521,900,482</b>	

Note/Source(s):

- (a) This schedule includes gross written premiums from all writing companies reported per Defendants' interrogatory responses. See **Schedule 12.0**.
- (b) I understand that copyright remedies are limited to three years before the filing of a complaint (i.e., April 21, 2016). I have adjusted the gross written premiums accordingly.
- (c) The Defendant's most recent responses to Interrogatory Nos. 16-20 were dated March 2, 2019 and March 21, 2019.
- (d) Defendants reported that the Evolution (Canada) and Broker Site (Canada) applications share the same underlying database and therefore report the same gross written premiums. (Harkin Deposition at 206-209.)